

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

**RHONDA L. BRAWNER,**

**Plaintiff,**

**v.**

**CAROLYN W. COLVIN,  
Commissioner of Social Security,**

**Defendant.**

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**No. 2:13-cv-00115**

**Judge Nixon**

**Magistrate Judge Brown**

**ORDER**

Pending before the Court is Plaintiff Rhonda L. Brawner's Application for Attorney Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("Motion") (Doc. No. 19), filed with a Memorandum in Support (Doc. No. 20), an affidavit of Ms. Brawner's attorney, Phillip A. George (Doc. No. 21), a redacted fee agreement signed by Ms. Brawner (Doc. No. 21-1), and two exhibits<sup>1</sup> (Doc. Nos. 20-2, 21-2). Ms. Brawner's counsel seeks \$3,860.97 in attorney's fees, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). (Doc. No. 19 at 1.) Defendant Commissioner of Social Security filed a Response to the Motion, stating she has no objection to Ms. Brawner's request. (Doc. No. 22.)

Under the EAJA, a prevailing party in litigation against the United States may seek attorney's fees, so long as the party files for the fees within thirty days of the final judgment. 28 U.S.C. § 2412(d)(1)(A)–(B) (2012). Federal Rule of Appellate Procedure 4(a) provides parties sixty days following the entry of a judgment to appeal in civil suits to which a federal officer is a party, after which, the judgment becomes final. *Shalala v. Schaefer*, 509 U.S. 292, 302 (1993).

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<sup>1</sup> The Court notes these two exhibits are the same document.

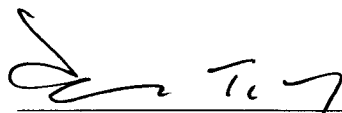
In social security cases, a sentence of remand to the Commissioner by the court constitutes a victory for the plaintiff, such that he or she may seek attorney's fees under the EAJA. *Id.* at 301.

Here, on March 11, 2014, Defendant filed a Motion for Entry of Judgment Under Sentence Four, 42 U.S.C. § 405(g), with Remand to Defendant ("Motion for Remand"), requesting the Court enter judgment reversing the ALJ's decision to deny benefits to Ms. Brawner and remand the case to Defendant. (Doc. No. 16.) The Court subsequently granted the Motion for Remand on March 28, 2014. (Doc. No. 18.) Ms. Brawner filed the instant Motion on April 24, 2014. (Doc. No. 19.) Ms. Brawner's attorney requests \$3,860.97 in fees, based on 20.5 hours of work at rates of \$187.11 to \$189.70 per hour over the course of his representation of Ms. Brawner. (Doc. No. 21 at 2.)

The Court finds that \$3,860.97 is a reasonable award for the work performed by Ms. Brawner's counsel. Accordingly, the Motion (Doc. No. 19) is **GRANTED**.

It is so ORDERED.

Entered this the 12<sup>th</sup> day of May, 2014.

  
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JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT